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The Universal Periodic Review (UPR):

The State and Civil Society Processes

What is the UPR?

The UPR is a mechanism that was created by the United Nations (UN) Human Rights Council (HRC) (year). The function of the UPR is to evaluate UN Member States on their adherence to human rights standards and on their realization of human rights commitments. For each State, the UPR assesses successes, difficulties, and areas for improvement. The UPR was created as a peer-to-peer review process in which States review other States. This stands in contrast to the UN Commission on Human Rights, which the Human Rights Council replaced (year again). The Commission on Human Rights had been criticized for not treating all States equally in critique of their human rights abuses. For this reason, the Commission on Human Rights was replaced by the Human Rights Council, and the aforementioned body created the UPR in order to dispel the notion that some States would be treated differently than others. In the UPR process, every State is reviewed every four years, and all Member States have the opportunity to give input into the review of each State.

What is the HRC?

The HRC was created by the UN General Assembly in March 2006 to replace its predecessor, the Commission on Human Rights. The HRC is composed of 47 Member States who are elected to staggered three-year terms. Each year in May, between 14 and 19 States are elected to the HRC to serve for the following three years. The countries that voted against the resolution to create the HRC include the Marshall Islands, Palau, Israel, and the United States; abstaining from the vote were Belarus, Iran, and Venezuela.

The UPR Process

The UPR convenes review sessions every February, May, and December, with 16 States reviewed at each session. When a State is reviewed, three Troikas are selected as the facilitators of the review. The Troikas are selected from the Member States of the HRC. The review itself is based on three documents: the State Report, the Stakeholder Report, and the Office of the High Commissioner for Human Rights (OHCHR) Report. The State Report, which is compiled by the State under review and can be no more than 20 pages in length, must be submitted six weeks in advance of the review. Stakeholders must submit their reports (five pages for individual stakeholders; 10 pages for coalition reports) five to seven months in advance of the review, and these reports are compiled by the OHCHR into one 10-page Stakeholder Report. The OHCHR Report is a 10-page document which includes five pages focusing on civil and political rights and five pages focusing on economic, social, and cultural rights.

The review itself is a three-hour interactive dialogue between the State under review, the Member States of the HRC, and the observer States, which are the other 145 UN Member States. Two days after the review, the Record of Review is finalized and adopted. The Record of Review can be modified for two weeks thereafter. In the second regular session of the HRC after the adoption of the Record of Review, the Outcome Document is adopted.

Troika

The Troikas are three Member States of the HRC that are selected to facilitate a State's review. They are selected randomly from different regional groups, and the State under review is permitted to request that one of the Troikas be selected from its own regional group. The State under review also has the option to veto one of the Troikas, in which case another Troika is randomly selected to replace it.

What does the Troika do?

Before the review, the Troika collates written questions from UN Member States. These are given to the State under review 10 days before the session. The Troika also facilitates dialogue and questions during the review. Once the review is complete, the Troika assists in preparing the Record of Review, working with the State under review and the OHCHR secretariat. The Record of Review is the report that reflects the review proceedings and is the basis for the Outcome Document.

State under Review

The review consists of a three-hour dialogue between the State under review, the 47 Member States of the HRC, and the 145 observer States (Member States of the UN that are not on the HRC). The State under review is allocated one hour to present its State Report. In the remaining two hours, the State under review answers written questions submitted to it in advance as well as live questions.

Outcome Document

The Outcome Document is a summary of the proceedings of the review as well as an account of recommendations made to the State under review. The Outcome Document is adopted at a one-hour session of the HRC, two regular HRC sessions after the review. As opposed to UPR sessions, which are held in February, May, and December, HRC *regular* sessions are held in March, June, and September. During the one-hour session, 20 minutes are allocated to the State under review for addressing issues not fully covered during the review and for accepting or rejecting recommendations. Another 20 minutes are allocated to UN Member States to make comments on the outcome of the review. The final 20 minutes are allocated to stakeholders to make general comments. However, in practice, stakeholders are only permitted to make comments if they are directed toward a specific section of the Outcome Document. One minutes is allocated to the President to motion for the adoption of the Outcome Document.

State Obligations

All States participating in the UPR are required to submit to a review every four years. States are also encouraged to hold a National Consultation with stakeholders in order to incorporate input from civil society into the State Report. States must submit their State Report six weeks in advance of the review. Lastly, States are encouraged to execute the recommendations written in the final Outcome Document.

SPDC

The State Peace and Development Council (SPDC) is slated to be reviewed by the UPR in February, 2011. This means that reports submitted by stakeholders will be due in July or September, 2010, and the SPDC State Report will be due in December, 2010 or January, 2011. The Outcome Document for the review of the SPDC will be adopted in June, 2011.

Civil Society

Submit Report

Civil society organizations may submit shadow reports which will be compiled by the OHCHR into one 10-page Stakeholder Report. Shadow reports may be five pages long if submitted by an individual organization and 10 pages long if submitted by a coalition of stakeholders. Shadow reports should discuss the human rights situation in the State under review and must be submitted five to seven months in advance of the review session.

Observing Sessions

Stakeholders are permitted to attend the review, but they may not make any statements. However, at the one-hour regular session of the HRC, during which the Outcome Document is adopted, stakeholders are allotted 20 minutes (2-minute interventions) to make general comments. However, these comments have been restricted to only those relevant to specific portions of the Outcome Document.

Lobby Strategy

There are many lobby strategies available to civil society groups that would like to engage in the UPR process. First, stakeholders may lobby UN Member States in the months prior to the review to encourage them to submit particular questions in advance to the Troika or to raise specific questions or recommendations during the review session. The latter is the most effective means of garnering responses from the State under review. Second, stakeholders may create a lobby document to distribute to embassies or consulates in the State under review or to UN Member State missions in Geneva. Third, stakeholders may lobby the State under review directly to encourage the State to present an honest picture of the human rights situation in the country. Stakeholders may also discuss with the State under review the issues that the stakeholder will be raising in its Shadow Report, which it hopes will be raised during the review session. Lastly, stakeholders may lobby the OHCHR and UN Agency Country Offices to incorporate issues of concern into the OHCHR Report.